

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MOHAMMED POQUEE,

Petitioner,

v.

No. 06-CV-45
(LEK/DRH)

R. ERCOLE, Superintendent,

Respondent.

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

ORDER

Presently pending is the motion of respondent to file his memorandum of law, declaration in opposition, and any other materials in the above-captioned case under seal in accordance with N.Y. Civ. Rights Law § 50-b. Docket Nos. 8, 9. From the supporting declaration, it appears that the basis for the motion is the protection of the identity of the victim of the sex crimes for which petitioner was convicted and which he challenges in this action. It further appears, however, that the identity of the victim was publicly disclosed during the state court trial of the criminal charges as that identity is contained in the transcripts of that trial, which transcripts respondent now seeks to seal in this proceeding. Finding that the victim's identity has already been disclosed publicly by the very records sought to be sealed herein, concluding that what has already been publicly disclosed cannot thereafter be undone, and in light of the strong interests against sealing documents absent compelling reasons, it is hereby

ORDERED that respondent's motion for an order sealing his responding papers in the above-captioned case (Docket Nos. 8, 9) is **DENIED**.

IT IS SO ORDERED.

DATED: July 20, 2006
Albany, New York

David R. Homer

United States Magistrate Judge